

PISANELLI BICE
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

James J. Pisanelli, Bar No. 4027
Debra L. Spinelli, Bar No. 9695
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Facsimile: 702.214.2101
Email: jjp@pisanellibice.com
Email: dls@pisanellibice.com

Jonathan D. Polkes (*pro hac vice pending*)
Stephen A. Radin (*pro hac vice pending*)
Caroline Hickey Zalka (*pro hac vice pending*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: 212.310.8000
Facsimile: 212.310.8007
Email: jonathan.polkes@weil.com
Email: stephen.radin@weil.com
Email: caroline.zalka@weil.com

Attorneys for Defendants Georges Antoun,
Kevin DeNuccio, Sarita James, Jay Leupp,
Merrick D. Okamoto, Said Ouissal, Simeon
Salzman, and Fred Thiel, and Nominal
Defendant Marathon Digital Holdings, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROY STRASSMAN, Derivatively on Behalf
of MARATHON DIGITAL
HOLDINGS, INC. (f/k/a MARATHON
PATENT GROUP, INC.),

Plaintiff,

v.

FRED THIEL, GEORGES ANTOUN,
KEVIN DENUCCIO, SARITA JAMES, JAY
LEUPP, SAID OUISSAL, MERRICK D.
OKAMOTO, and SIMEON SALZMAN,

Defendants,

-and-

MARATHON DIGITAL HOLDINGS, INC.
(f/k/a MARATHON PATENT GROUP,
INC.),

Nominal Defendant.

CASE NO.: 2:22-cv-00724-ART-EJY

**NOTICE OF RELATED CASES
PURSUANT TO LR 42-1(a)**

Pursuant to Local Rule 42-1(a), Defendants and Nominal Defendant hereby provide notice of the following related case: *Kimberly Bernard v. Fred Thiel, Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Said Ouissal, Merrick D. Okamoto, Simeon Salzman, and Nominal Defendant Marathon Digital Holdings, Inc.*, Case No. 2:22-cv-305-RFB-NJK.

In this action, Plaintiff Roy Strassman copies, word-for-word, the entirety of the *Bernard* action, as follows:

Bernard Compl. ¶	Strassman Compl. ¶	Bernard Compl. ¶	Strassman Compl. ¶	Bernard Compl. ¶	Strassman Compl. ¶	Bernard Compl. ¶	Strassman Compl. ¶
1	1	24	24	47	47	70	73
2	2	25	25	48	48	71	74
3	3	26	26	49	49	72	75
4	4	27	27	50	50	73	76
5	5	28	28	51	51	74	77
6	6	29	29	52	52	75	78
7	7	30	30	53	55	76	79
8	8	31	31	54	56	77	80
9	9	32	32	55	57	78	81
10	10	33	33	56	58	79	82
11	11	34	34	57	59	80	83
12	12	35	35	58	60	81	84
13	13	36	36	59	61	82	85
14	14	37	37	60	63	83	86
15	15	38	38	61	64	84	87
16	16	39	39	62	65	85	88
17	17	40	40	63	66	86	89
18	18	41	41	64	67	87	90
19	19	42	42	65	68	88	91
20	20	43	43	66	69	89	92
21	21	44	44	67	70	90	93
22	22	45	45	68	71	91	94
23	23	46	46	69	72	92	95

There are just four changes: (1) the *Strassman* complaint double-spaces rather than single-spaces block quotes; (2) the *Strassman* complaint replaces female gender pronouns for the plaintiff with male gender pronouns; (3) the *Strassman* complaint corrects a typo (the *Bernard* complaint stated in paragraph 60 that “the Company Board was comprised of eight (6) members,” while this action replaces “eight (6) members” with “six (6) members”); and (4) the *Strassman* complaint skips paragraph numbers 53, 54, and 62 in its numbering of paragraphs, resulting in a 95 paragraph complaint rather than a 92 paragraph complaint.

As a result, both actions involve identical questions of law and fact, and assignment to the same judge would be desirable. Indeed, Defendants Georges Antoun, Kevin DeNuccio, Sarita

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James, Jay Leupp, Said Ouissal, Merrick D. Okamoto, Simeon Salzman, and Fred Thiel and Nominal Defendant Marathon Digital Holdings, Inc., have filed motions to dismiss both actions on identical grounds, in the *Bernard* action on April 5, 2022, and in the *Strassman* action on May 11, 2022.

DATED this 11th day of May 2022.

PISANELLI BICE PLLC

By: /s/ Debra L. Spinelli
James J. Pisanelli, Bar No. 4027
Debra L. Spinelli, Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Jonathan D. Polkes
(*pro hac vice pending*)
Stephen A. Radin
(*pro hac vice pending*)
Caroline Hickey Zalka
(*pro hac vice pending*)
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153

Attorneys for Defendants Georges Antoun, Kevin DeNuccio, Sarita James, Jay Leupp, Merrick D. Okamoto, Said Ouissal, Simeon Salzman, and Fred Thiel, and Nominal Defendant Marathon Digital Holdings, Inc.¹

¹ Counsel has complied with LR IA 11-2.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 11th day of May 2022, I caused to be served via the Court's CM/ECF program true and correct copies of the above and foregoing NOTICE OF RELATED CASES PURSUANT TO LR 42-1(a) to all parties via electronic service.

/s/ Cinda Towne
An employee of Pisanelli Bice PLLC

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